



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/739,003

12/19/2000

LeRov L. Pick

81395-166

2818

22502

7590

05/10/2004

SMART & BIGGAR

BOX 11560 VANCOUVER CENTRE

650 WEST GEORGIA STREET SUITE 2200

VANCOUVER, BC V4A1T5

CANADA

EXAMINER

CANGIALOSI, SALVATORE A

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 05/10/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,003

Applicant(s)

PICK ET AL.

Examiner

Salvatore Cangialosi

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7 and 13-48 is/are rejected.
- 7) ☐ Claim(s) 2-6 and 8-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2661

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1, 7, 13-48 are rejected under 35 U.S.C. § 103 as being unpatentable over Noser or Oliva et al.

Regarding claim 1, Noser(See Fig. 4f) or Oliva et al (See Figs. 4-10) disclose method for transmission of sonnet frames with transport and path overhead substantially as claimed. It is noted that both overhead portions claimed are standard portions of a sonnet frame. The differences between the above and the claimed invention are the specific term previous and modifying of overhead on the basis of previous information. Note that according to the admitted prior art it is standard practice to overwrite overhead information based on the add/drop requirements of each interface and hence the overwriting of transport overhead is based on previous overhead to remove data

Art Unit: 2661

that has arrived at its destination based on the instructions of the **previous** overhead and that the act of overwriting is also obviously an act of modification. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Noser or Oliva et al because they are well known and conventional functional equivalents of sonnet frames in the prior art. Regarding claim 7, Noser(See Fig. 4f) or Oliva et al (See Figs. 4-10) disclose means for transmission of sonnet frames with transport and path overhead substantially as claimed. It is noted that both overhead portions claimed are standard portions of a sonnet frame. The differences between the above and the claimed invention are the specific term previous and modifying of overhead on the basis of previous information. Note that according to the admitted prior art it is standard practice to overwrite overhead information based on the add/drop requirements of each interface and hence the overwriting of transport overhead is based on previous overhead to remove data that has arrived at its destination based on the instructions of the **previous** overhead and that the act of overwriting is also obviously an act of modification. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Noser or Oliva et al because they are well known and conventional functional equivalents of sonnet frames in the prior art. Regarding claim 13, Noser(See Fig. 4f) or Oliva et al (See Figs. 4-10) disclose means for transmission of sonnet frames with

Art Unit: 2661

transport and path overhead substantially as claimed. It is noted that both overhead portions claimed are standard portions of a sonnet frame. The differences between the above and the claimed invention are the specific term previous and modifying of overhead on the basis of previous information. Note that according to the admitted prior art it is standard practice to overwrite overhead information based on the add/drop requirements of each interface and hence the overwriting of transport overhead is based on previous overhead to remove data that has arrived at its destination based on the instructions of the **previous** overhead and that the act of overwriting is also obviously an act of modification. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Noser or Oliva et al because they are well known and conventional functional equivalents of sonnet frames in the prior art.

Regarding claim 14, Noser(See Fig. 4f) or Oliva et al (See Figs. 4-10) disclose means for transmission of sonnet frames with transport and path overhead substantially as claimed. It is noted that both overhead portions claimed are standard portions of a sonnet frame. The differences between the above and the claimed invention are the specific term previous and modifying of overhead on the basis of previous information. Note that according to the admitted prior art it is standard practice to overwrite overhead information based on the add/drop requirements of each interface and hence the overwriting of transport overhead

Art Unit: 2661

is based on previous overhead to remove data that has arrived at its destination based on the instructions of the **previous** overhead and that the act of overwriting is also obviously an act of modification. Note also that it would be obvious that same is performed by computer(See Oliva et al, Col. 6, lines 35-40). It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Noser or Oliva et al because they are well known and conventional functional equivalents of sonnet frames in the prior art. Regarding claim 15, Noser(See Fig. 4f) or Oliva et al (See Figs. 4-10) disclose means for transmission of sonnet frames with transport and path overhead substantially as claimed. It is noted that both overhead portions claimed are standard portions of a sonnet frame. The differences between the above and the claimed invention is the specific term previous. Note that according to the admitted prior art it is standard practice to overwrite overhead information based on the add/drop requirements of each interface and hence the overwriting of transport overhead is based on previous overhead to remove data that has arrived at its destination based on the instructions of the **previous** overhead and that the standard sonnet signal contains previous overhead before being overwritten. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Noser or Oliva et al because they are well known and conventional functional equivalents of sonnet frames in the

Art Unit: 2661

prior art. Regarding claim 16, Noser(See Fig. 4f) or Oliva et al (See Figs. 4-10) disclose method for transmission of sonnet frames with transport and path overhead substantially as claimed. It is noted that both overhead portions claimed are standard portions of a sonnet frame. The differences between the above and the claimed invention is the specific term previous. Note that according to the admitted prior art it is standard practice to overwrite overhead information based on the add/drop requirements of each interface and hence the overwriting of transport overhead is based on previous overhead to remove data that has arrived at its destination based on the instructions of the **previous** overhead and that the standard sonnet signal contains previous overhead before being overwritten. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Noser or Oliva et al because they are well known and conventional functional equivalents of sonnet frames in the prior art. Regarding the parity limitations of claim 17, Noser (See Col. 14, lines 30-45) show a path parity means which are the functional equivalents of the claim. Regarding the path limitations of claim 18, Noser (See Col. 14, lines 30-45) show a path parity means which are the functional equivalents of the claim. Regarding the parity error limitations of claim 19, Noser (See Col. 14, lines 30-45) show a path parity error means which are the functional equivalents of the claim. Regarding the unused limitations of claim 20, Noser (See Col. 7,

Art Unit: 2661

lines 60-65) or Oliva et al (See Col. 7, lines 45-50) show a unused overhead means which are the functional equivalents of the claim. Regarding the Z3 or Z4 limitations of claim 21, Noser (See Fig. 4H) show a Z3 or Z4 means which are the functional equivalents of the claim. Regarding the PTOH limitations of claim 22, both items of prior art show standard transport overhead which are the functional equivalents of the claim. Regarding the unused limitations of claim 23, Noser (See Col. 7, lines 60-65) or Oliva et al (See Col. 7, lines 45-50) show a unused overhead means which are the functional equivalents of the claim. Regarding the unused limitations of claim 24, Noser (See Col. 7, lines 60-65) or Oliva et al (See Col. 7, lines 45-50) show a unused overhead means which are the functional equivalents of the claim. Regarding the PTOH limitations of claim 25, both items of prior art show standard transport overhead which must describe the signal prior to reception which are the functional equivalents of the claim. Regarding the parity error limitations of claim 26, Noser (See Col. 14, lines 30-45) show a path parity error means which are the functional equivalents of the claim. .

Regarding the parity error limitations of claim 27, Noser (See Col. 14, lines 30-45) show a path parity error means which are the functional equivalents of the claim. . Regarding the parity error limitations of claim 28, Noser (See Col. 14, lines 30-45) show a path parity error means which are the functional equivalents of the claim. Regarding the PTOH limitations of

Art Unit: 2661

claim 29, both items of prior art show standard transport overhead which must describe the signal preceding reception which are the functional equivalents of the claim. Regarding the modifying limitations of claim 30, both items of prior art show standard transport overhead with the act of overwriting is also obviously an act of modification which are the functional equivalents of the claim. Regarding claim 31, Noser(See Fig. 4f) or Oliva et al (See Figs. 4-10) disclose means for transmission of sonnet frames with transport and path overhead substantially as claimed. It is noted that both overhead portions claimed are standard portions of a sonnet frame. The differences between the above and the claimed invention is the specific term previous. Note that according to the admitted prior art it is standard practice to overwrite overhead information based on the add/drop requirements of each interface and hence the overwriting of transport overhead is based on previous overhead to remove data that has arrived at its destination based on the instructions of the **previous** overhead and that the standard sonnet signal contains previous overhead before being overwritten. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Noser or Oliva et al because they are well known and conventional functional equivalents of sonnet frames in the prior art. Regarding the parity limitations of claim 32, Noser (See Col. 14, lines 30-45) show a path parity means which are the functional equivalents of the claim.

Art Unit: 2661

Regarding the path limitations of claim 33, Noser (See Col. 14, lines 30-45) show a path parity means which are the functional equivalents of the claim. Regarding the parity error limitations of claim 34, Noser (See Col. 14, lines 30-45) show a path parity error means which are the functional equivalents of the claim. Regarding the unused limitations of claim 35, Noser (See Col. 7, lines 60-65) or Oliva et al (See Col. 7, lines 45-50) show a unused overhead means which are the functional equivalents of the claim. Regarding the Z3 or Z4 limitations of claim 36, Noser (See Fig. 4H) show a Z3 or Z4 means which are the functional equivalents of the claim. Regarding the PTOH limitations of claim 37, both items of prior art show standard transport overhead which are the functional equivalents of the claim. Regarding the unused limitations of claim 38, Noser (See Col. 7, lines 60-65) or Oliva et al (See Col. 7, lines 45-50) show a unused overhead means which are the functional equivalents of the claim. Regarding the unused limitations of claim 39, Noser (See Col. 7, lines 60-65) or Oliva et al (See Col. 7, lines 45-50) show a unused overhead means which are the functional equivalents of the claim. Regarding the PTOH limitations of claim 40, both items of prior art show standard transport overhead which must describe the signal prior to reception which are the functional equivalents of the claim. Regarding the parity error limitations of claim 41, Noser (See Col. 14, lines 30-45) show a path parity error means which are the functional equivalents of the claim. .

Art Unit: 2661

Regarding the parity error limitations of claim 42, Noser (See Col. 14, lines 30-45) show a path parity error means which are the functional equivalents of the claim. Regarding the parity error limitations of claim 43, Noser (See Col. 14, lines 30-45) show a path parity error means which are the functional equivalents of the claim. Regarding the PTOH limitations of claim 44, both items of prior art show standard transport overhead which must describe the signal preceding reception which are the functional equivalents of the claim. Regarding the modifying limitations of claim 45, both items of prior art show standard transport overhead with the act of overwriting is also obviously an act of modification which are the functional equivalents of the claim. Regarding claim 46, Noser (See Fig. 4f) or Oliva et al (See Figs. 4-10) disclose means for transmission of sonnet frames with transport and path overhead substantially as claimed. It is noted that both overhead portions claimed are standard portions of a sonnet frame. The differences between the above and the claimed invention are the specific term previous and modifying of overhead on the basis of previous information. Note that according to the admitted prior art it is standard practice to overwrite overhead information based on the add/drop requirements of each interface and hence the overwriting of transport overhead is based on previous overhead to remove data that has arrived at its destination based on the instructions of the **previous** overhead and that the act of overwriting is also

Art Unit: 2661

obviously an act of modification. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Noser or Oliva et al because they are well known and conventional functional equivalents of sonnet frames in the prior art. Regarding claim 47, Noser(See Fig. 4f) or Oliva et al (See Figs. 4-10) disclose means for transmission of sonnet frames with transport and path overhead substantially as claimed. It is noted that both overhead portions claimed are standard portions of a sonnet frame. The differences between the above and the claimed invention are the specific term previous and modifying of overhead on the basis of previous information. Note that according to the admitted prior art it is standard practice to overwrite overhead information based on the add/drop requirements of each interface and hence the overwriting of transport overhead is based on previous overhead to remove data that has arrived at its destination based on the instructions of the **previous** overhead and that the act of overwriting is also obviously an act of modification. Note also that it would be obvious that same is performed by computer(See Oliva et al, Col. 6, lines 35-40). It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Noser or Oliva et al because they are well known and conventional functional equivalents of sonnet frames in the prior art. Regarding claim 48, Noser(See Fig. 4f) or Oliva et al (See Figs. 4-10) disclose means for transmission of sonnet frames with transport and path

Serial Number: 09/739,003

12

Art Unit: 2661

overhead substantially as claimed. It is noted that both overhead portions claimed are standard portions of a sonnet frame. The differences between the above and the claimed invention is the specific term previous. Note that according to the admitted prior art it is standard practice to overwrite overhead information based on the add/drop requirements of each interface and hence the overwriting of transport overhead is based on previous overhead to remove data that has arrived at its destination based on the instructions of the **previous** overhead and that the standard sonnet signal contains previous overhead before being overwritten. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Noser or Oliva et al because they are well known and conventional functional equivalents of sonnet frames in the prior art.

Claims 2-6 and 8-12 are objected to as being dependent on rejected claims.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms, can be reached at (703) 305-4703.

Any response to this action should be mailed to:

Serial Number: 09/739,003

13

Art Unit: 2661

Commissioner of Patent and Trademarks

Washington, D.C. 20231

or faxed to (703)872-9306

Hand delivered responses should be brought to Crystal Park
II, 2121 Crystal Drive, Arlington, Virginia, Sixth
Floor.(Receptionist).

Any inquiry of a general nature or relating to the status of
this application or proceeding should be directed to the
Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.


SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222